

### **Remarks**

In the Office Action mailed April 26, 2005, the Applicant respectfully requests reconsideration. For further prosecution of this application, the Applicant submits the following remarks. The claims as presented are believed to be in allowable condition.

In the present application, claims 21-22, 43-44, and 65-66 have been canceled and claims 19, 41, and 63 have been amended. Claims 19, 41, and 63 have been amended to include the features specified in canceled claims 21-22, 43-44, and 65-66, respectively. No new matter has been added.

Claims 19-23, 41-45, 63-68, and 70-78 are currently pending in the application. Claims 19-21, 23, and 70-72 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Shanahan (U.S. Patent 6,496,692). Claims 41-43, 45, 63-65, and 67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan. Claim 74 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Skorko (U.S. Patent 6,560,466). Claim 76 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mulla et al. (U.S. Patent 6,311,896, hereinafter "Mulla"). Claims 77-78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mulla and further in view of Lemelson (U.S. Patent 5,945,656). Claims 73 and 75 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Kennedy, III et al. (U.S. Patent 6,535,743, hereinafter "Kennedy"). Claim 68 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Kaizu et al. (U.S. Patent Application Publication 2004/0015989, hereinafter "Kaizu"). Claims 22, 44, and 66 are objected to as being dependent upon a base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Claim Rejections - 35 U.S.C. §102**

In the Office Action, claims 19-21, 23, and 70-72 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Shanahan. Independent claim 19 has been amended to incorporate the allowable subject matter, as indicated by the Examiner, of canceled claim 22. Accordingly, claim 19 is allowable over Shanahan and the rejection of this claim should be withdrawn. Claims 20, 23, and 70-72 each depend from independent claim 19 and thus specify at least the same features. Therefore, the rejection of claims 20, 23, and 70-72 should also be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

In the Office Action, claims 41-43, 45, 63-65, and 67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan. Independent claims 41 and 63 have been amended to incorporate the allowable subject matter, as indicated by the Examiner, of canceled claims 44 and 66. Accordingly, claims 41 and 63 are allowable over Shanahan and the rejections of these claims should be withdrawn. Claims 42 and 45 depend from claim 41 and claims 64 and 67 depend from claim 63, and thus specify at least the same features as the independent claims from which they depend. Therefore, the rejection of claims 42, 45, 64, and 67 should also be withdrawn.

In the Office Action, claim 74 is rejected as being unpatentable over Shanahan in view of Skorko, claim 76 is rejected as being unpatentable over Shanahan in view of Mulla, claims 77-78 are rejected as being unpatentable over Shanahan in view of Mulla and further in view of Lemelson, claims 73 and 75 are rejected as being unpatentable over Shanahan in view of Kennedy, and claim 68 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Kaizu. Claims 68 and 73-78 all depend directly or indirectly from amended independent claim 19 and thus specify at least the same features. As discussed above, claim 19

is allowable over Shanahan. It is respectfully submitted that Skorko, Mulla, Lemelson, Kennedy, and Kaizu all fail to teach disclose or suggest each of the features of claim 19. For instance, none of the aforementioned references discloses a plurality of data structures programmable to detect and occurrence of audio alert triggering events and a device which is programmable to transfer the data structures to another device. Accordingly, claims 68 and 73-78 are allowable and the rejection of these claims should also be withdrawn.


### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,

MERCHANT & GOULD

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